

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

CONSENT AGREEMENT
WITH
In re: Elliott W. Filler, MD REPRIMAND

CONSENT AGREEMENT

IT IS HEARBY AGREED by the South Dakota Board of Medical and Osteopathic Examiners (Board) and Elliott W. Filler, MD, (Dr. Filler) as follows:

1. Licensure status: Dr. Filler does not presently hold a license to practice medicine in South Dakota because he allowed his license to be forfeited for non-renewal. SDCL 36-4-24.2.
2. Admission/Jurisdiction: Dr. Filler admits and agrees that the Board has jurisdiction over the subject matter of the reinstatement and renewal of his South Dakota medical license, and over this Consent Agreement with Reprimand.

3. Admission/Facts: Dr. Filler admits to the following facts:
 - a. That Dr. Filler was initially licensed by the Board on July 9, 1991, and he timely renewed his license every year, except for the current year.
 - b. That Dr. Filler was required by statutes in the Medical Practices Act to renew his medical license on or before March 1, 2010.
 - c. That the Board sent all licensees courtesy renewal notifications by U.S. mail and email months before the March 1 deadline.
 - d. That Dr. Filler failed to renew his medical license by the March 1, 2010 deadline and therefore his medical license was forfeited under the provisions of SDCL 36-4-24.2 for non-renewal.
 - e. That Dr. Filler practiced medicine in South Dakota without a valid medical license on March 5, 6, 7, and 8, 2010.
 - f. That Dr. Filler desires to apply for reinstatement and renewal of his license and has submitted a Reinstatement and Renewal Application.

4. Informal Agreement: It is the intent of the parties to this Consent Agreement with Reprimand to provide for the informal compromise and settlement of all issues which could be raised by a formal contested hearing.
5. Waiver of Rights: Dr. Filler understands he has the right to consult with an attorney, and if no attorney signs this agreement, he waives said right. He also has a right to an administrative hearing on the facts in this case. Dr. Filler understands and agrees that by signing this Consent Agreement, he is waiving his rights to a hearing. Dr. Filler further understands and agrees that by signing this Consent Agreement with Reprimand he is voluntarily and knowingly giving up his right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against Dr. Filler, and to appeal the Board's decision to Circuit Court.
6. Consent Agreement, Decision and Order: Dr. Filler agrees that the Board has the authority to enter into this Consent Agreement and to issue the following Decision and subsequent Order.

FINE AND REPRIMAND

The license, if renewed and reinstated to Dr. Filler, shall be subject to the following terms and conditions:

- A. Fine: Dr. Filler shall pay a fine of \$800.00 prior to his medical license being reinstated and renewed.
- B. Reprimand: The following reprimand shall be placed in Dr. Filler's file with this Consent Agreement:

The Board hereby reprimands you, Elliott W. Filler, MD, for practicing medicine in South Dakota without a current and valid medical license. The issuance of a license to practice medicine in South Dakota is a privilege that is based, in part, upon timely renewals of your medical license. The Board considers practicing medicine without a license a serious matter.

IT IS HEREBY FURTHER AGREED that this Consent Agreement with fine and reprimand shall take effect immediately and is a public record of the Board and the State of South Dakota. The State may provide a copy of it to any person or entity, professional licensing board, federal, state, or local government, or other entity making a relevant inquiry. The action taken by the Board in this Consent Agreement will be published on the Board's web site, to the Federation of State Medical Boards, the National Practitioner Data Bank, and any other entity deemed appropriate by the Board.

WHEREAS, Dr. Filler has unconditionally accepted this Consent Agreement with Reprimand by affixing his signature to this document.

Ew Filler Date: 3/25, 2010
Elliott W. Filler, MD

Attorney for Dr. Filler (optional) Date: _____, 2010

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: Margaret B. Hansen Date: 3/31/, 2010
Margaret B. Hansen, Executive Director

THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Re: ELLIOTT W. FILLER, MD

ORDER TO APPROVE
CONSENT AGREEMENT WITH
REPRIMAND

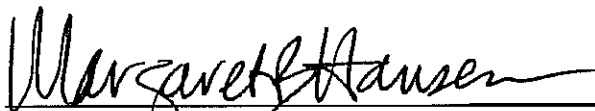
The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners, and the Board having been informed that an investigation was initiated by members of the Board's Investigative Review Panel due to Dr. Filler's unprofessional and dishonorable conduct in that he engaged in medical practice in South Dakota without a valid license because he allowed his license to be forfeited for non-renewal by the March 1st deadline.

The applicant has entered into the Consent Agreement with Reprimand with the Board, and the Board being fully advised in the premises;

IT IS THEREFORE ORDERED that the Consent Agreement with Reprimand is approved, and

IT IS FURTHER ORDERED that the Consent Agreement with Reprimand is a public document and shall be published and reported as the Board deems necessary.

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS



Margaret B. Hansen
Executive Director, SDBMOE

Date 3/31/10